

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Janet Chlentzos-Williams,

Plaintiff,

v.

Square Inc., *et al.*,

Defendants.

Case No. 3:21-cv-05069-RAJ

ORDER

This matter comes before the Court on Plaintiff's Application for Court-Appointed Counsel (Dkt. # 5) and Plaintiff's Motion to Have the Court Serve Defendants (Dkt. # 8). For the reasons below, the Court **DENIES without prejudice** Plaintiff's motion to appoint counsel (Dkt. # 5) and **GRANTS** Plaintiff's motion for court-appointed service (Dkt. # 8).

Based on her complaint, Plaintiff Janet Chlentzos-Williams alleges that a company, Defendant Square Inc. ("Square"), sent her mail at her residence. Dkt. # 4. The mail was addressed to her and a person named "Joseph Turner." *Id.* at 3, 12, 15-16. Ms. Chlentzos-Williams apparently does not know a "Joseph Turner," and to her knowledge nobody by that name ever resided at her residence. *Id.* at 15. She is also suing her "estranged" sister, Defendant Bea Grow. *Id.* at 2. Ms. Chlentzos-Williams posted a picture of the mail to Facebook, and Ms. Grow later "made a sarcastic/disturbing comment" on the post. *Id.* at 17. According to Ms. Chlentzos-Williams, the comment suggests that Ms. Grow knows why Ms. Chlentzos-Williams received mail addressed to

1 “Joseph Turner” in the first place. *Id.* at 5. Ms. Chlentos-Williams is now suing both  
2 Square and Ms. Grow for mail fraud and “other civil rights violations.” *Id.* at 5.

3 Generally, a person has no right to counsel in civil actions. *See Storseth v.*  
4 *Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). However, a court may under  
5 “exceptional circumstances” appoint counsel for indigent civil litigants pursuant to 28  
6 U.S.C. § 1915(e)(1). *Agyeman v. Corrs. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir.  
7 2004).

8 When determining whether “exceptional circumstances” exist, a court must  
9 consider “the likelihood of success on the merits as well as the ability of the petitioner to  
10 articulate h[er] claims *pro se* in light of the complexity of the legal issues involved.”  
11 *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). But neither of these considerations  
12 is dispositive; they must instead be viewed together. *Palmer v. Valdez*, 560 F.3d 965,  
13 970 (9th Cir. 2009). A plaintiff must plead facts showing that she has an insufficient  
14 grasp of her case or the legal issue involved and has an inadequate ability to articulate the  
15 factual basis of her claim. *Agyeman*, 390 F.3d at 1103. Although most parties would  
16 benefit from representation by an attorney, that is not the standard for appointment of  
17 counsel in a civil case. *See Rand v. Roland*, 113 F.3d 1520, 1525 (9th Cir. 1997),  
18 *overruled on other grounds*, 154 F. 3d 952 (9th Cir. 1998) (finding that a *pro se* litigant  
19 may be better served with the assistance of counsel is not the test). A plaintiff must  
20 instead show exceptional circumstances. *See id.*

21 Ms. Chlentos-Williams has failed to show that her case presents “exceptional  
22 circumstances.” First, this case is not complex. At bottom, Ms. Chlentos-Williams is  
23 claiming that Square committed mail fraud for sending her mail addressed to her and a  
24 person she does not know and that her sister is part of the fraud. Dkt. # 4. This is not to  
25 say that these allegations are sufficient to state a mail fraud claim, as that issue is not  
26 currently before the Court, but rather to say that Ms. Chlentos-Williams has  
27 demonstrated a basic ability to articulate her claims. Second, Ms. Chlentos-Williams

1 has not shown any likelihood of success on the merits. She does not attempt to explain  
2 the fraud, let alone support her allegations with evidence or explain why she is likely to  
3 prevail. Thus, at this stage, the Court has no reason to believe that Ms. Chlentos-  
4 Williams will likely prevail on the merits of her claim.

5 Her request for counsel aside, Ms. Chlentos-Williams also moves the Court to  
6 serve both Defendants. Dkt. # 8. She is proceeding *in forma pauperis* (“IFP”). Dkt. # 3.  
7 Under Federal Rule of Civil Procedure 4(c)(3), a plaintiff may request the court to “order  
8 that service be made by a United States marshal or deputy marshal or by a person  
9 specially appointed by the court.” If the plaintiff is proceeding IFP, the court must grant  
10 that request. *Id.* Because Ms. Chlentos-Williams is indeed proceeding IFP, the Court  
11 grants her motion under Rule 4(c)(3).

12 For the reasons above, the Court **ORDERS**:

13 (1) Ms. Chlentos-Williams’ Application for Court-Appointed Counsel (Dkt. # 5)

14 is **DENIED without prejudice**;

15 (2) Ms. Chlentos-Williams’ Motion to Have the Court Serve Defendants (Dkt.

16 # 8) is **GRANTED**;

17 (3) The Clerk shall issue the summons and provide copies of the summons and the

18 complaint (Dkt. # 4), to the United States marshal or deputy marshal **within**

19 **seven days** of the date of this order; and

20 (4) The United States marshal or deputy marshal to serve Defendants with a copy

21 of the summons and complaint **within 30 days** of the date of this order.

22  
23 DATED this 30th day of June, 2021.

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26 The Honorable Richard A. Jones  
27 United States District Judge